
Laura Stokes, *Demons of Urban Reform : early European Witch Trials and Criminal Justice, 1430-1530* /
Orna Alyagon Darr, *Marks of an Absolute Witch : evidentiary Dilemmas in early modern England*

James Sharpe



Electronic version

URL: <http://journals.openedition.org/chs/1512>
DOI: 10.4000/chs.1512
ISSN: 1663-4837

Publisher

Librairie Droz

Printed version

Date of publication: 1 October 2014
Number of pages: 139-141
ISBN: 978-2-600-01854-8
ISSN: 1422-0857

Electronic reference

James Sharpe, « Laura Stokes, *Demons of Urban Reform : early European Witch Trials and Criminal Justice, 1430-1530* / Orna Alyagon Darr, *Marks of an Absolute Witch : evidentiary Dilemmas in early modern England* », *Crime, Histoire & Sociétés / Crime, History & Societies* [Online], Vol. 18, n°2 | 2014, Online since 09 April 2015, connection on 10 December 2020. URL : <http://journals.openedition.org/chs/1512> ; DOI : <https://doi.org/10.4000/chs.1512>

This text was automatically generated on 10 December 2020.

© Droz

Laura Stokes, *Demons of Urban Reform : early European Witch Trials and Criminal Justice, 1430-1530* / Orna Alyagon Darr, *Marks of an Absolute Witch : evidentiary Dilemmas in early modern England*

James Sharpe

REFERENCES

Laura Stokes, *Demons of Urban Reform : early European Witch Trials and Criminal Justice, 1430-1530*, Houndsmills, Palgrave Macmillan, 2011, vii + 235 pp., ISBN 9 784039 86832.
Orna Alyagon Darr, *Marks of an Absolute Witch : evidentiary Dilemmas in early modern England*, Farnham, Ashgate, 2011, viii + 321 pp., ISBN 9 780754 669876.

- 1 Research and publication on witchcraft in late medieval and early modern Europe continues apace, much of it relevant to historians of crime more generally. The two works under review here, although very different in the chronological and geographical areas they cover, and in their focus, demonstrate this point admirably.
- 2 Laura Stokes' *Demons of Urban Reform* is of special interest in that it deals with fifteenth – century developments, a still relatively uncharted area in witchcraft studies, but an important one, as it was then that the stereotype of the demonic witch was created and ecclesiastical and secular courts had to adapt to the idea that they would, with the demonic witch, encounter a new type of offender. Stokes focuses mainly on the experience of dealing with witchcraft in three towns, Lucerne, Basel, and Nuremberg. She steers her way through recent scholarship on the development of the witch

stereotype, paying due regard to late prosecutions of Waldensians that transformed into early prosecution of witches, to one of the important early texts, the *Erroris Gazariorum*, a series of trials in the Lausanne region, presided over by Dominican inquisitors, and the input of a secular judge, Claude Tholosan, who demonstrated that witches could be tried by the secular courts. The importance of these elements (and others that she touches on) have been familiar for some time, but Stokes takes an interesting approach to them and weaves them into her broader framework. Above all, she stresses that although there was apparently, despite the gradual emergence of a stereotype, a variety of local beliefs, there was a universal image of the witch as the purveyor of evil magic, and of the witch as a frightening and destructive figure.

- 3 What becomes apparent when the three cities Stokes focuses on are studied in depth is a variety of experiences, both between the cities and over time within each of them. In Nuremberg, the largest of the urban centres under consideration, despite receiving from Heinrich Kramer an abbreviated version of the *Malleus Maleficarum* known as the *Nürnberg Hexenhamme*, the city authorities apparently placed little credence in accusations of diabolical witchcraft, taking a paternalistic attitude which wrote these off as the outcome of popular superstition and ignorance. In Basel, too, the notion of diabolical witchcraft was eventually rejected. At Lucerne, however, a more robust attitude was taken. Although the stereotype took some time to take hold, and witches were still being punished by banishment rather than burning in the 1460s, by the end of the fifteenth century accusations and burnings were more commonplace. Moreover, Stokes demonstrates that a relaxed attitude towards accusations of demonic witchcraft at Nuremberg could coincide with a persecutory attitude towards the area's Jewish population, who suffered penal taxation on a regular basis, were subject to unusually heavy fines when convicted of a criminal offence, and who were burned in large numbers when rumours of the ritual killing of a Christian child spread in 1475.
- 4 As this last point demonstrates, the concerns of late medieval urban governments went far beyond witchcraft, and it is here that Stokes makes her most original contribution. She attempts to locate witch trials in the broader concerns of the urban governing elites of the period. She comments very pertinently and interestingly on another familiar theme, the reception of Roman law in the German – speaking lands which was to culminate, famously, in the *Carolina* of 1532. This process, she argues, coincided with shifts in the status and self perception of urban elites, who now found that they had to demonstrate their authority and legitimacy through a new style of governing in which a 'tough on crime' stance might be an important asset. 'In the end', claims Stokes, 'the broad transformation of criminal justice in the fifteenth century can be ascribed to the *mentalité* of the men who governed these cities, to their new identity as a ruling coterie and to their personal sense of responsibility for the good of the community' (p. 125). Thus the persecution of witchcraft could be regarded as part of a broader thrust towards social discipline which encompassed attempts to suppress a much broader range of conduct – Stokes explores some interesting parallels between the treatment of witchcraft and sodomy, and also stresses the point that the individual witch might have a range of misbehaviour attributed to him or her other than witchcraft per se. Overall, this is an important and well argued book, which is a welcome addition to works on the formative period of the witch hunts.
- 5 Orna Alyagon Darr's *Marks of an Absolute Witch* is a very different exercise, working through the relatively familiar history of English witchcraft accusations from the point

of view of a scholar employed in a law school. Her main concern, as the book's title suggests, is the very basic issue of how did judges and juries accept that somebody accused of witchcraft was guilty. Based on an exhaustive study of relevant printed sources, this work covers much familiar ground but develops some distinctive conclusions.

- 6 After a useful discussion of pre – trial and trial procedures, Darr devotes individual chapters to a number of the ways in which witchcraft court be established under English law and popular practices. Following the publication of a handbook written by the justices of the peace Michael Dalton, ideas on how to prove witchcraft on a legal basis became relatively widely known. Perhaps the most important of these was the witch's mark, in England usually thought of as the place where the witch's familiar sucked her blood, in return for which she gained her powers to do evil. And, after the 1604 statute against witchcraft, witches could be convicted on the grounds that they had these 'imps' or familiar spirits, the small creatures, half pet and half devil, that were such a feature of English witchcraft beliefs. Added to these legal proofs were a number of popular practices. Of these perhaps the most common was 'scratching' the witch. The thinking which underlay this practice and its origins remain obscure, but the basic idea was that if a suspected witch were scratched by her supposed victim, ideally on the forehead, and blood were drawn, the victim's sufferings would be alleviated. The more familiar swimming test, founded on the assumption that water, as a 'pure' element, would reject the 'impure' witch, who would float, but allow an innocent party to sink, also receives full discussion. It is noteworthy that neither of these popular practices were accepted as proof at courts of law, although local justices of the peace can still be found condoning them at the turn of the seventeenth and eighteenth centuries,
- 7 Darr's work, which also considers the use of 'experiments' by interested parties to prove witchcraft, judicial assessments of the narratives and statements made in witchcraft cases, confessions, and the search for reliable testimony constitutes an important and near comprehensive study of the status of various types of evidence, and its use in establishing guilt, in English witchcraft trials. What is really original, however, is her attempt to juxtapose changes in the status of various types of evidence to the overall change in standards of proof in the English criminal trial more generally. Some very interesting points are raised here, but in a sense her overall argument will only be confirmed when the status of evidence in other types of criminal trial have been studied – there is, for example, already some very interesting work on proof and evidence in infanticide trials, and non – infanticidal murder might form another interesting field of study in this respect. And Darr makes another claim which carries considerable conviction : that whatever the theoretical standard of proof in cases of witchcraft, the social and cultural positioning of various participants in a witchcraft accusation or trial would have an impact on their attitude towards evidence. 'Common – law rules of evidence', argues Darr, 'do not necessarily possess real objective value and do not develop exclusively by virtue of their inner judicial logic. Instead, I argue that evidentiary techniques are socially constructed through a symbolic struggle between various social and cultural groups' (p. 6). The idea that different social groups might have different attitudes to witchcraft is not new, but Darr's focus on how this affected ideas on evidence is welcome.
- 8 Thus the two books under review, despite their differences of focus, both add to our understanding of witchcraft in the late medieval and early modern periods, while both

of them raise important issues for historians of crime, and the relationship of that entity to society, in the relevant periods.

AUTHORS

JAMES SHARPE

University of York